

STATE OF MINNESOTA
COUNTY OF SCOTT

FILED
NOV 06 2009 A
SCOTT COUNTY COURTS

DISTRICT COURT
FIRST JUDICIAL DISTRICT
Case Type: Mechanic's Lien Foreclosure

In re M.W. Johnson Construction, Inc.
Mechanic's Lien Foreclosure Litigation

Consolidated Master Court File: 70-CV-09-7343

Judge: Jerome B. Abrams

Stewart Plumbing, Inc.,

Scott County Court File: 70-CV-08-12388

Plaintiff,

**STIPULATION OF PARTIAL DISMISSAL
WITHOUT PREJUDICE AND PARTIAL
DISMISSAL WITH PREJUDICE;**

vs.

**ORDER FOR PARTIAL DISMISSAL WITH
PREJUDICE AND PARTIAL JUDGMENT**

Eric L. Wegner and Jennifer Wegner,
Wells Fargo Bank, N.A., Cemstone
Products Corporation, Automated
Building Components, Inc., Elite Waste
Disposal, M.W. Johnson Construction,
Inc.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Defendants Eric L. Wegner and Jennifer Wegner (the "Wegners") and Wells Fargo N.A., by and through their undersigned attorneys, as follows:

1. All of Stewart's claims against Defendant M.W. Johnson Construction, Inc. shall be dismissed without prejudice and without an award of costs, disbursements or attorneys' fees to any party.

2. Count II of Stewart's Complaint for unjust enrichment against the Wegners shall be dismissed with prejudice on the merits and without an award of costs, disbursements or attorney's fees to any party.

3. Any party to this Stipulation without prior notice to any other party may cause an order for partial judgment to be entered herein.

CHRISTENSEN & LAUE, P.A.

Dated: October 14th, 2009

By: 

Susanne M. Glasser (#0272978)
5101 Vernon Avenue South, Suite 400
Edina, Minnesota 55436
(952) 927-8855
Attorney for Plaintiff Stewart Plumbing, Inc.

COLEMAN, HULL & VAN VLIET, PLLP

Dated: October 14, 2009

By: 

Katherine M. Melander (#180464)
Steven R. Little (#0304244)
8500 Normandale Lake Boulevard
Suite 2110
Minneapolis, Minnesota 55437
(952) 841-0001
Attorneys for Defendants
Eric L. Wegner, Jennifer Wegner and
Wells Fargo Bank, N.A.

**ORDER FOR PARTIAL DISMISSAL WITHOUT PREJUDICE, PARTIAL DISMISSAL
WITH PREJUDICE AND PARTIAL JUDGMENT**

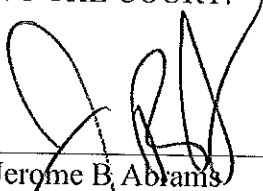
Pursuant to the foregoing Stipulation of Partial Dismissal entered into by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Eric L. Wegner and Jennifer Wegner (the "Wegners") and Wells Fargo N.A., by and through their attorneys, the Court makes the following **ORDER**:

1. The parties' Stipulation of Partial Dismissal with Prejudice is hereby approved in all respects.
2. All of Stewart's claims against Defendant M. W. Johnson Construction, Inc. are hereby dismissed **WITHOUT PREJUDICE** and without an award of costs, disbursements or attorneys' fees to any party.
3. Count II of Stewart's Complaint against the Wegners for unjust enrichment is hereby dismissed **WITH PREJUDICE**, on the merits and without an award of costs, disbursements or attorneys' fees to any party.

**THERE BEING NO JUST REASON FOR DELAY, LET PARTIAL JUDGMENT
BE ENTERED FORTHWITH.**

BY THE COURT:

Dated: 11-5, 2009



Jerome B. Abrams
Judge of District Court
Consolidated Master Court File No. 70-CV-09-7343
Court File No. 70-CV-08-12388

JUDGMENT

I DO HEREBY CERTIFY THAT THE FOREGOING ORDER
CONSTITUTES THE JUDGMENT OF THIS COURT.

DATE 11-16-09
GREGORY M. ESS
COURT ADMINISTRATOR, SCOTT COUNTY, MINN.

DEPUTY Audrey K Brown